



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

WEB COPY

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA Nos. 2057 and 2059 of 2026

AND

CMP NOS.15880 and 15882 OF 2026

The Branch Manager
United India Insurance Co. Ltd.,
Kandasamy Shopping Complex,
Chitakoodam,
No.144, Kalpana Road,
Udumalpet 642 126
Now at
United India Insurance Co.Ltd.,
Regional Office,
No.178, Dr. Nanjappa Road,
Coimbatore 641 018

..Appellant(s)

Vs

1. S Kandasamy
S/o Subbanna Gounder
No.1/474B, Ennaikaran Thottam,
Poomalur, Palladam Taluk, Poomallur
Tiruppur District 641 663
2. N Paramasivam
S/o Nataraja Chettiar,
No.3/21, Udukkampalayam,
Tiruppur District-642 207
3. Ms Sri Ambikai Packagings
No.138/1, Adivalli Village,
Pudupalayam Post,
Udumalpet, Tiruppur District-642 126.

..Respondent(s)

CMA No. 2059 of 2026

The Branch Manager



United India Insurance Co. Ltd.,
Kandasamy Shopping Complex,
Chitakoodam,
No.144, Kalpana Road,
Udumalpet 642 126

Now at
United India Insurance Co.Ltd.,
Regional Office,
No.178, Dr. Nanjappa Road,
Coimbatore 641 018

..Appellant(s)

Vs

1. Gnanashanmugam
S/o Subbaiya Koundar
No.1/355, Palladam Road,
Iyankadu, Poomallur,
Tiruppur District 641 663
2. N Paramasivam
S/o. Nataraja Chettiar
No.3/21, Udukkampalayam,
Tiruppur District-642 207
3. M/s Sri Ambikai Packagings
No.138/1, Adivalli Village,
Pudupalayam Post,Udumalpet,Tiruppur
District-642 126.

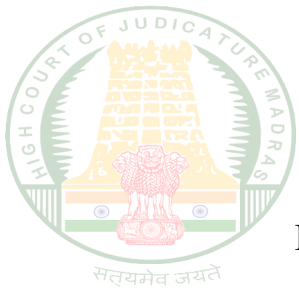
..Respondent(s)

CMA No. 2057 of 2026

Civil Miscellaneous Appeal filed under Section 151 of the CPC to allow the CMA setting aside the Award dated 03.07.2025 in MCOP No. 1407 of 2022 passed by the Special District Judge MACT- Tiruppur.

CMA No. 2059 of 2026

Civil Miscellaneous Appeal filed under Section 151 of the CPC to allow the CMA setting aside the Award dated 03.07.2025 in MCOP No. 1406 of 2022 passed by the Special District Judge MACT- Tiruppur.



For Appellant(s):

Mr.Sankaranarayanan Palani

WEB COPY

Common Judgment

These Civil Miscellaneous appeals have been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal/ Special District Judge, Tiruppur in M.C.O.P Nos.1406 and 1407 of 2022 dated 03.07.2025.

2. The first respondents are the claimants in both the appeals. The case of the first respondents is that on 21.09.2022, at about 2.30 p.m., they were travelling on a two-wheeler on the Mangalam–Palladam Road, near Poomalur. At that point of time, the 2nd respondent, who was driving an Eicher vehicle in the same direction, drove the vehicle in a rash and negligent manner and dashed against the two-wheeler ridden by the claimants. As a result of which, both the claimants sustained grievous injuries. It is under these circumstances that the respective claim petitions came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to the conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. Having rendered the above finding, the Tribunal proceeded to determine



the compensation amount in the following manner:

MCOP No.1406 of 2022

WEB COPY

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Damages for Grievous injury	Rs.50,000/-
2.	Damages for Pain, suffering and trauma as a consequence of the injuries	Rs.30,000/-
3.	Loss of amenities	Rs.20,000/-
4.	Expenses relating to treatment, hospitalization and medicines as per Ex.P7	Rs.1,43,246/-
5.	Loss of earning during the period of treatment and rest for two months at the rate of Rs.14,000/- per month	Rs.28,000/-
6.	Expenses relating to attenders	Rs.10,000/-
7.	Expenses relating to Transportation	Rs.10,000/-
8.	Expenses relating to Nourishing food	Rs.20,000/-
9.	Damages to clothes	Rs.5,000/-
	Total	Rs.3,16,246/-

MCOP No.1407 of 2022

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Damages for partial permanent disability	Rs.2,00,000/-
2.	Damages for pain, suffering and trauma as a consequence of the injuries	Rs. 40,000/-
3.	Loss of amenities	Rs. 30,000/-
4.	Expenses relating to treatment,	Rs.2,10,177/-



WEB COPY

	hospitalization and medicines as per Ex.P12	
5.	Loss of earning during the period of treatment and rest for five months at the rate of Rs.14,000/- per month	Rs.70,000/-
6.	Expenses relating to attenders	Rs.10,000/-
7.	Expenses relating to transportation	Rs.10,000/-
8.	Expenses relating to Nourishing food	Rs.25,000/-
9.	Damages to clothes	Rs.5,000/-
	Total	Rs.6,00,177/-

5. The above compensation amounts was directed to be paid along with interest at the rate of 7.5% per annum from the date of the petitions. However, considering the fact that the driver of the offending vehicle did not possess a valid driving license, pay and recover was ordered.

6. The Insurance Company has filed the present appeals mainly on the ground that the driver of the offending vehicle did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.

7. This Court carefully considered the submissions made by the learned counsel appearing for the appellant and also the award passed by the Tribunal.

8. The ground that was taken by the learned counsel appearing for the



appellant is to the effect that the Tribunal ought not to have ordered for pay and recover. The said ground is squarely covered by the judgment of this Court in a batch of appeals in CMA.(MD).No.517 of 2025 etc, dated 01.06.2026. Hence, this Court does not find any illegality in the order passed by the Tribunal applying the principle of pay and recover.

9. Insofar as the quantum of compensation is concerned, this Court finds that the Tribunal has fixed a fair and just compensation and it does not require the interference of this Court.

10. In the result, this Civil Miscellaneous Appeals stand dismissed. The Insurance company is directed to deposit the entire compensation amount, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (4) weeks from the date of receipt of this judgment. The claimants will be entitled to withdraw the compensation amount in the proportion as fixed by the Tribunal. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs. Consequently, connected Miscellaneous Petitions are closed.

07-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RKA
To

The Motor Accident Claims Tribunal/ Special District Judge, Tiruppur



WEB COPY

CMA Nos. 2057 and 2059 of 2



N.ANAND VENKATESH J.

RKA

**CMA Nos. 2057 and 2059 of 2026
AND
CMP NOs. 15880 and 15882 OF 2026**

07-07-2026